

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.175/95

DATE OF ORDER : 17-11-1997.

Between :-

P.V.Ramana Murthy

And

... Applicant

1. Director of Postal Services,
Office of Postmaster General,
Visakhapatnam.
2. Superintendent of Post Offices,
Vizianagaram.

... Respondents

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Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri P.B.Vijay Kumar, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant herein while working as EOBPM, Cheluvuru, Vizianageram District had committed certain irregularities, for which a detailed disciplinary proceedings ^{was initiated} ~~were~~ held. The Enquiry Officer held ^{that} charges levelled against the applicant, are proved. The Disciplinary authority after considering the findings recorded by the Enquiry Officer, by proceedings No.F3/Misc-86/91 dt.30-1-93 (Annexure-III to the OA) imposed the punishment of removal of the applicant from service. Against the said order of removal the applicant submitted a memorandum of appeal dt.20-4-93 (Annexure-II : pages 27 to 50 of the OA).

3. The Appellate authority by his proceedings No.ST/13-111/PVRM dt.14-9-94 rejected the appeal and confirmed the punishment.

4. The applicant has filed this OA challenging the orders of the disciplinary authority as well as that of the Appellate Authority.

5. During the course of arguments, the learned counsel for the applicant submitted that the appellate authority has not considered various grounds raised by him in his memorandum of appeal dt.20-4-93.

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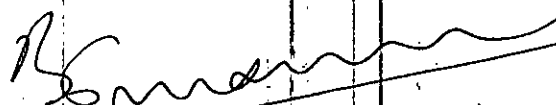
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6. Though the learned counsel for the respondents submitted that the appeal has been disposed of but he has no objection if the appellate authority/^{order} is set aside and the appeal is remitted back to the appellate authority in view of the ^{short} reasoning given by the appellate authority. ^{6(a).} We have considered the order of the appellate authority. The appellate authority has re-produced the articles of charges and in last three ^{re} paras recorded reasons, which in our opinion does not ^m amount to consider ^{ing} each and every ground raised by the applicant in the appeal. Further the appellate authority has not applied his mind and has not specifically recorded findings whether the Disciplinary Authority had given all the ^{opportunity} ~~particulars~~ to the applicant during the course of enquiry, whether the punishment imposed by the disciplinary authority was ^{Condign} ~~e~~gent. In that view ~~we feel~~ it appropriate to remit the matter to the appellate authority with a direction to reconsider the appeal of the applicant in accordance with the law. In case the applicant desires an opportunity of being heard, the appellate authority shall provide him the same.

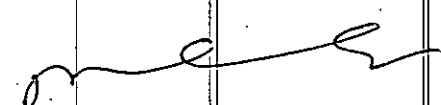
7. Hence we pass the following order :-

- (a) The order dt. 14-9-94 passed by the Appellate Authority is set aside;
- (b) The Appellate Authority is directed to consider afresh the appeal dt. 20-4-93 in accordance with the rules;
- (c) In case the applicant desires an opportunity of personal hearing, the same shall be given to him.

8. In view of the above, the Original Application is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)

17.11.97


(R. RANGARAJAN)
Member (A)

Dated: 17th November, 1997.

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P.R.

OA.175/95

Copy to:-

1. The Director of Postal Services, O/o The Postmaster General, Viskahapatnam.
2. The Superintendent of Post Offices, Vizianagaram.
3. One copy to Mr. P.B. Vijaya Kumar, Advocate, AT., Hyd.
4. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :
M (J)

Dated: ~~17/11/97~~ 17/11/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in
D.A.NO. 175/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासिक न्यायिक निकाय
Central Administrative Tribunal
वैद्युत/DESPATCH
27 NOV 1997
हैदराबाद बेंच
HYDERABAD BENCH